



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takashi Ono, et al.

Application No. 10/798,851

Filed: March 12, 2004

Atty Docket: 19546.0044

Art Unit: 3661

Examiner: TBD

For: **AREA INFORMATION PROVISION SYSTEM AND METHOD**

**PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS
IN A NONPROVISIONAL APPLICATION**

COMMISSIONER FOR PATENTS
Box 1459
Alexandria, Virginia 22313

Sir:

This Petition is in response to the Notice of Omitted Items in a Nonprovisional Application that was mailed from the U.S. Patent and Trademark Office on September 23, 2004 in the above-referenced matter (copy enclosed). Applicant respectfully submits that Figures 7-18 were filed along with the nonprovisional application papers on March 12, 2004. Applicants provide as proof of submission:

1. A copy of the File Stamped- post card that records the filing date of March 12, 2004 listing 15 sheets of drawings;
2. A copy of the Transmittal sheet filed March 12, 2004 listing 15 sheets of drawings; and
3. Copies of Figures 7-18

These documents show that applicant filed 15 sheets of drawings. The last nine sheets of the originally filed 15 sheets included Figures 7-18.

The Commissioner is hereby authorized to charge the \$130 fee under 37 CFR 1.17(h), outlined in the Notice of September 23, 2004. However, Applicant understands that the petition fee will be refunded once it is determined that the items were received by the USPTO on the date that the application was filed.

Please charge and any additional fees incurred for this petition or credits to Deposit Account No. 195127, Order No. 19546.0044.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

Dated: October 1, 2004

By: 

Michael A. Schwartz, Reg. No. 40,161
3000 K Street, NW
Washington, D.C. 20007
(202) 424-7500 Telephone
(202) 295-8478 Facsimile

JTC



OCT 01 2004
JC25
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/798,851	03/12/2004	Takashi Ono	19546.0044

CONFIRMATION NO. 6691

FORMALITIES LETTER



OC000000013870658*

COPI

Date Mailed: 09/23/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 7-18 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must be filed within TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must be filed within TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

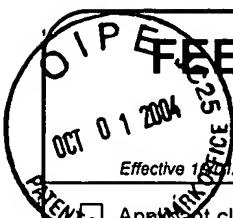
Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

COPY

A copy of this notice MUST be returned with the reply.

S. Green
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEES TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130)

Complete if Known	
Application Number	10/798,851
Filing Date	March 12, 2004
First Named Inventor	Takashi Ono
Examiner Name	TBD
Art Unit	3661
Attorney Docket No.	19546.0044

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

 Deposit Account:

Deposit Account Number
19-5127

Deposit Account Name
Swidler Berlin Shreff Friedman, LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1001	2001	770	385
1002	2002	340	170
1003	2003	530	265
1004	2004	770	385
1005	2005	160	80
SUBTOTAL (1)		(\$ 0)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	0	X	0
Independent Claims	0	X	0
Multiple Dependent		X	0

Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	18 9
1201	2201	86 43
1203	2203	290 145
1204	2204	86 43
1205	2205	18 9
SUBTOTAL (2)		(\$ 0)

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	130 65	Surcharge - late filing fee or oath
1052	2052	50 25	Surcharge - late provisional filing fee or cover sheet
1053	1053	130 130	Non-English specification
1812	1812	2,520 2,520	For filing a request for reexamination
1804	1804	920* 920*	Requesting publication of SIR prior to Examiner action
1805	1805	1,840* 1,840*	Requesting publication of SIR after Examiner action
1251	2251	110 55	Extension for reply within first month
1252	2252	420 210	Extension for reply within second month
1253	2253	950 475	Extension for reply within third month
1254	2254	1,480 740	Extension for reply within fourth month
1255	2255	2,010 1,005	Extension for reply within fifth month
1401	2401	330 165	Notice of Appeal
1402	2402	330 165	Filing a brief in support of an appeal
1403	2403	290 145	Request for oral hearing
1451	1451	1,510 1,510	Petition to institute a public use proceeding
1452	2452	110 55	Petition to revive – unavoidable
1453	2453	1,330 665	Petition to revive – unintentional
1501	2501	1,330 665	Utility issue fee (or reissue)
1502	2502	480 240	Design issue fee
1503	2503	640 320	Plant issue fee
1460	1460	130 130	Petitions to the Commissioner
1807	1807	50 50	Processing fee under 37 CFR 1.17 (q)
1806	1806	180 180	Submission of Information Disclosure Stmt
8021	8021	40 40	Recording each patent assignment per property (times number of properties)
1809	2809	770 385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	2810	770 385	For each additional invention to be examined (37 CFR § 1.129(b))
1801	2801	770 385	Request for Continued Examination (RCE)
1802	1802	900 900	Request for expedited examination of a design application
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY

		Complete if applicable		
Name (Print/Type)	Michael A. Schwartz	Registration No. (Attorney/Agent)	40,161	Telephone 202/424-7591
Signature	<i>Michael A. Schwartz</i>		Date	October 1, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

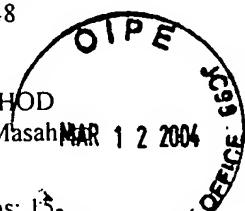
If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



COPY

The Patent Office date stamp hereon acknowledges receipt of the below-identified documents:

Atty: Michael A. Schwartz	Date: March 12, 2004	Priority App. No. 2003-
Atty Docket No.: 19546.0044	Priority Date: March 27, 2003	088548
Client Ref: 02-95636K	U.S. Application	
Title: AREA INFORMATION PROVISION SYSTEM AND METHOD		
Applicant(s): Takashi ONO; Shingo FUJIMOTO; Jun KAKUTA; Masaharu MURAKAMI; Sumiyo OKADA; and Akinori IWAKAWA		
Specification: 31 pgs.	Abstract: <input checked="" type="checkbox"/>	Claims: 15 <input checked="" type="checkbox"/>
Drawings 15 sheet(s)	Formal <input checked="" type="checkbox"/>	122(b)(2)(B)(i) <input type="checkbox"/>
Executed Dec. & POA <input checked="" type="checkbox"/>	Assignment with cover sheet <input checked="" type="checkbox"/>	Deposit Account <input type="checkbox"/>
Priority Claim <input checked="" type="checkbox"/>	Priority Doc. <input checked="" type="checkbox"/>	Authorization <input checked="" type="checkbox"/>
Other: Utility Application Transmittal, Fee Transmittal		



19546.0044 - MAS
KM
3-12-04



Fig. 7

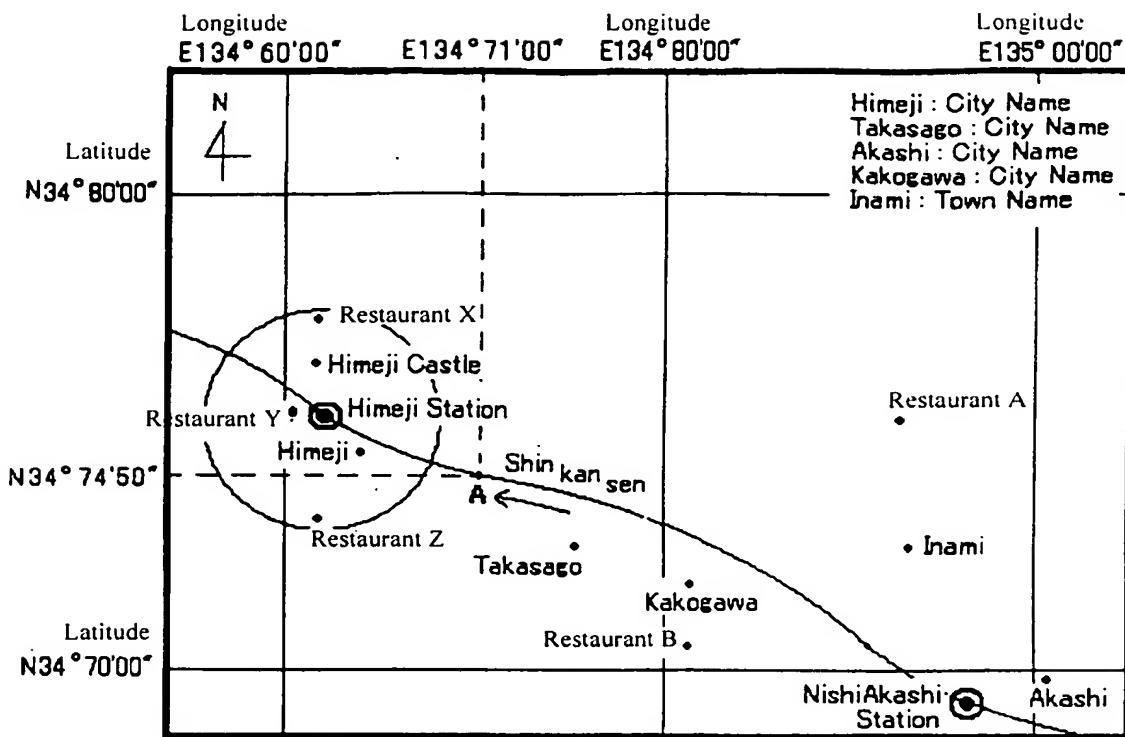


Fig. 8

10 February 2003 schedule			
Time	Place	Content	Remarks
10:00			
10:20	Kyoto		
10:40			
11:00	In transit		
11:20			
11:40	Himeji		
12:00			
12:20	Nearby restaurant	Lunch	
12:40			
13:00	↓ Transit Himeji Hall	Listen to lecture	Lecture by Mr. _____ of University
.			

Fig. 9

Area information for the vicinity of Himeji Station (within 1 km)

1. Restaurant Y

Business hours: 10:00-23:00

Directions: Just left on Station-front road.
Alongside Yamada Police Station.

Description: The specialty is sea bream caught in Akashi. Prices are reasonable, too.

2.

Stores which have a regular holiday today or which are currently outside business hours have not been displayed.

Figure 9

Fig. 10

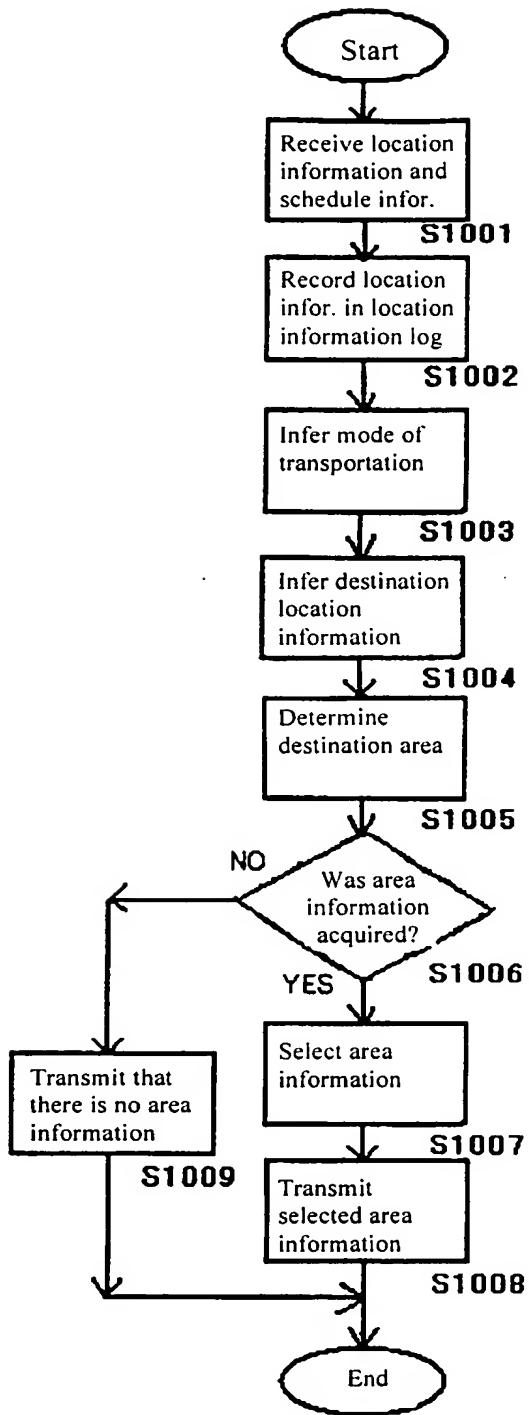


Fig. 11

Acquisition date	Acquisition time	Latitude	Longitude	Estimated travel speed	Travel direction
10 February 2003	10:40:20	N34°82'22"	E135°63'89"	210 km/h	Southwest
10 February 2003	10:50:20	N34°78'12"	E135°48'23"	207 km/h	South-southwest
10 February 2003	11:00:20	Acquisition failed	Acquisition failed	---	---
10 February 2003	11:10:19	N34°70'89"	E134°93'78"	185 km/h	West
10 February 2003	11:20:20	N34°74'50"	E134°71'00"	179 km/h	West-southwest
.
.
.

Fig. 12

Location information	Travel speed (km/h)	Inferred mode of transportation
On expressway	---	Car, bus, motorcycle
On road other than expressway	151 or more	Car
	41-150	Car, bus, motorcycle
	11-40	Car, bus, motorcycle, bicycle
	0-10	Car, bus, motorcycle, bicycle, walking
On rail line	151 or more	Shinkansen
	0-150	Electric train
At sea	Less than 100	Ship
---	400 or more	Airplane
In facility	---	Walking
Seashore/mountain path	---	Walking

Fig. 13

Station name	...	Hikari 9876	Kodama5432	Nozomi1098	Hikari1234	...
...
Kyoto	...	8:20	9:00	10:23	10:10	...
ShinOsaka	...	8:40	9:23	10:39	10:30	...
ShinKobe	...	8:55	9:40	--	10:45	...
NishiAkashi	...	--	9:58	--	--	...
Himeji	-	9:25	10:18	11:18	11:12	-
Aioi	-	9:40	10:37	--	11:27	-
...
...

Fig. 14

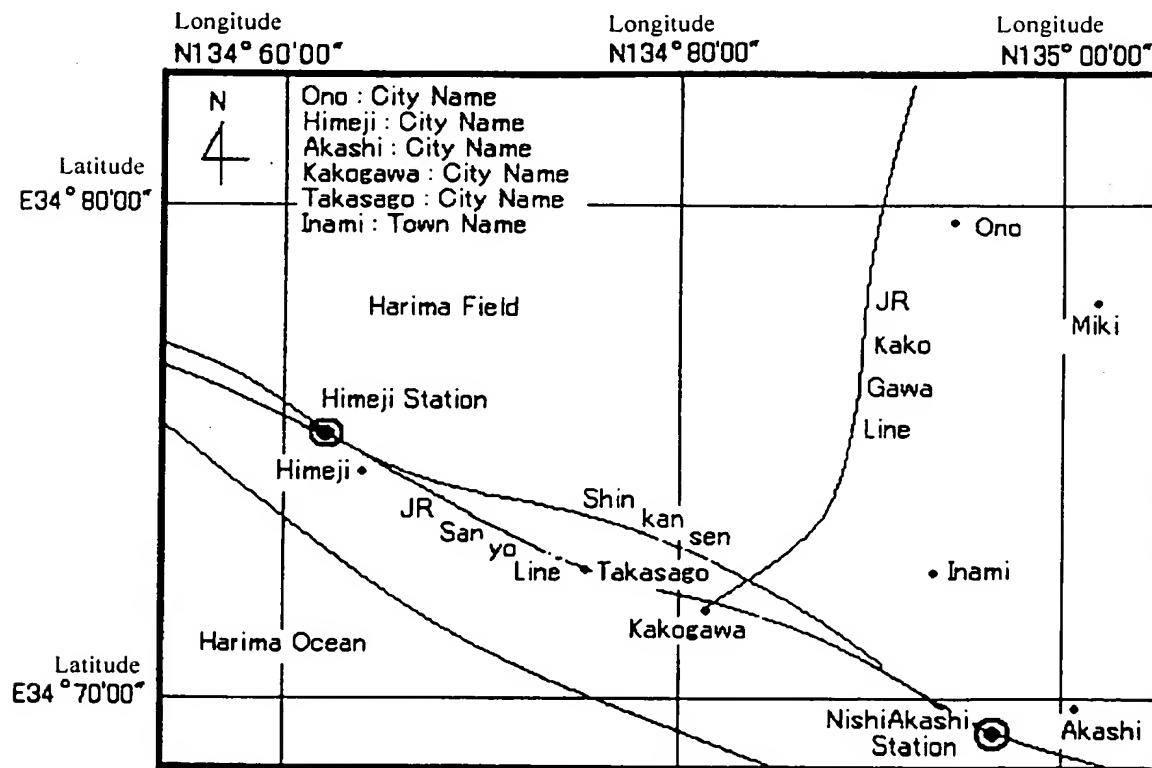


Fig. 15

Area setting: Within a 10 kilometer radius around the set point

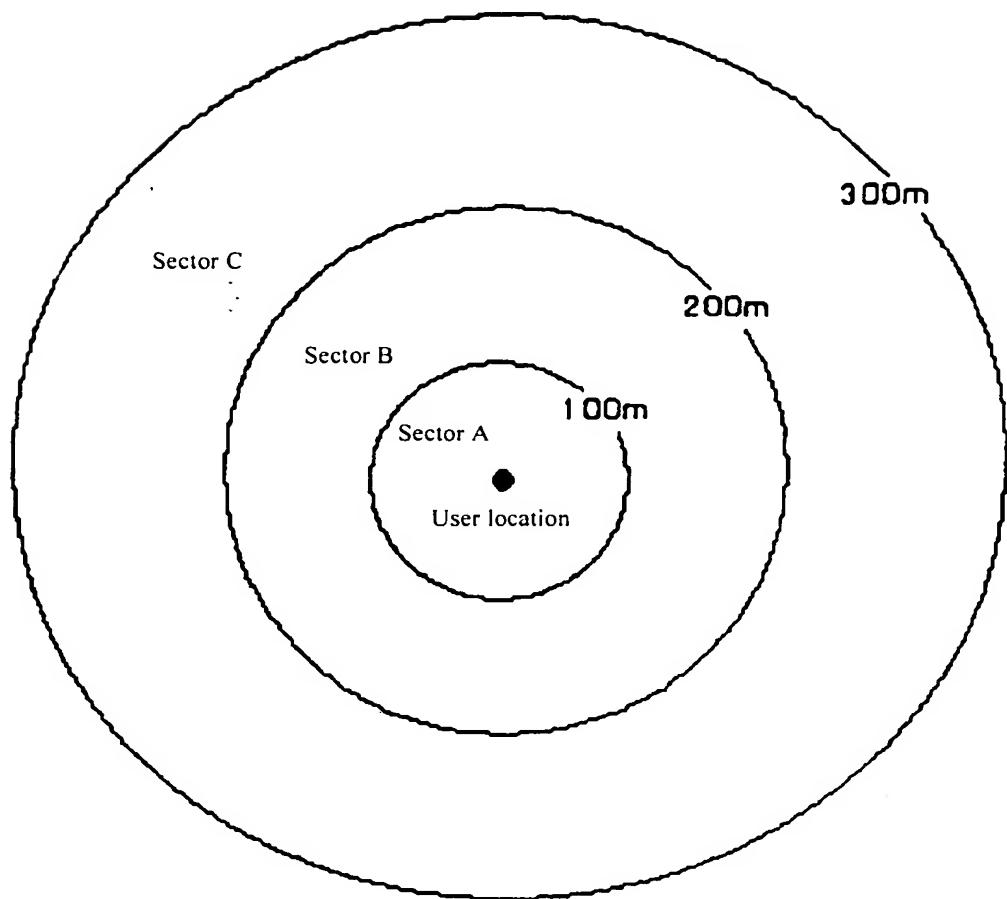
Fig. 16

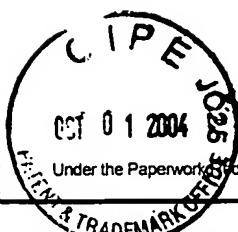
Current mode of transportation	Specific location information	Travelable distance
Car (expressway)	Next interchange	Within 5 km
Car (regular road)	10 km ahead in direction of travel	Within 5 km
Motorcycle (regular road)	10 km ahead in direction of travel	Within 5 km
Walking	Current location	Within 1 km
Electric train	Next stop	Within 1 km
Shinkansen	Next stop	Within 1 km
Ship	Next anchorage	Within 1 km
Airplane	Airport of next landing	Within 1 km
Bus	Next stop	Within 1 km
Bicycle	Current location	Within 2 km

Fig. 17

Registered information (restaurant information)							Area level	
Latitude	Longitude	Store name	Business hours	Regular holidays	Car parking	Bicycle parking	Description text	Directions text
N34° 77'00" E134° 62'00"	Restaurant X	11:00-25:00	Every Thursday	20 cars	None	Elegant restaurant serving an assortment of Japanese, Western and Chinese Cuisine...	By car: National Road No. 2, Yamada... Walking: Station-front underground market Yama... By bus: Yamada stop...	1
N34° 75'00" E134° 61'00"	Restaurant Y	10:00-23:00	Every Friday	None	5 bicycles	The specialty is sea bream caught in Akashi...	By car: Since there is no parking... Walking: Turn left on Station-front road... By bus: Tanaka stop...	2
N34° 72'23" E134° 63'20"	Restaurant Z	15:00-26:00	First Thursday	10 cars	10 bicycles	The restaurant's specialty is fish dishes. By all means try...	By car: National Road No. 2, Tanaka... Walking: Yamada Station, north exit... By bus: Suzuki stop...	3

Fig. 18



**TRANSMITTAL
FORM***(to be used for all correspondence after initial filing)*

		Application Number	10/798,851
		Filing Date	March 12, 2004
		First Named Inventor	Takashi Ono
		Art Unit	3661
		Examiner Name	TBD
Total Number of Pages in This Submission	18	Attorney Docket Number	19546.0044

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form and Duplicate <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) Figures 7-18 <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Petition in Response to Notice of Omitted Items in a Nonprovisional Application; Copy of Notice mailed 9/23/04; copy of file-stamped postcard and Transmittal Sheet filed March 12, 2004;	<input type="checkbox"/> Remarks
			<input type="checkbox"/> Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael A. Schwartz, Reg. No. 40,161 Swidler Berlin Shreffr Friedman LLP
Signature	
Date	October 1, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	
Signature	
Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	19546.0044
First Inventor	Takashi ONO
Title	AREA INFORMATION PROVISION SYSTEM AND METHOD
Express Mail Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 31]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 15]
- Oath or Declaration [Total Sheets 5]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
 Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. 3.73(b) Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Request for Claim for Priority

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No: _____ / _____

Prior application information: Examiner _____ Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS Customer Number 23517 OR Correspondence address below

Name	Edward A. Pennington, Reg. No. 32,588 Swidler Berlin Shereff Friedman, LLP				
Address	3000 K Street, NW				
	Suite 300				
City	Washington	State	D.C.	Zip Code	20007-5116
Country	US	Telephone	202-424-7500		Fax 202-295-8478

Name (Print/Type)	Michael A. Schwartz	Registration No. (Attorney/Agent)	40,161
Signature	<i>Michael A. Schwartz</i>	Date	March 12, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.